

Message Text

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PAGE 01 USUN N 04220 260254Z

63

ACTION L-03

INFO OCT-01 ISO-00 IO-14 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 AF-10 ARA-16 EA-11 EUR-25 NEA-10 A-01

CPR-02 SY-10 DRC-01 /197 W
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R 260213Z OCT 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 516

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DURING AFTERNOON SESSION OCT 25 LEGAL COMMITTEE
CONSIDERED AMENDMENTS RELATING TO ARTICLE 2 OF CONVENTION
ON PROTECTION IF DIPLOMATS. KEY TOPICS OF DISCUSSION
WERE AMENDMENTS BY BELGIUM AND OTHERS (TRANSMITTED USUN
4153), NEW ARGENTINE AMENDMENT (TRANSMITTED SEPTTEL),
JAMAICAN AMENDMENT (TRANSMITTED USUN 4023), SOVIET AMEND-
MENT (TRANSMITTED USUN 3750), AND JAPANESE AMENDMENT ON
JURISDICTION (REVISION 1 OF TEXT TRANSMITTED USUN 3780).

2. AFTER EXTENDED DISCUSSION, DISPOSITION OF ASPECTS
RELATING TO DEFINITION OF CRIME AND TO
JURISDICTION TREATED SEPARATELY. GONZALEZ GALVEZ SAID
THAT AMENDMENTS ON DEFINITION OF CRIME COULD POSSIBLY
BE SUBJECT OF COMPROMISE AND AT HIS SUGGESTION THESE
SENT TO DRAFTING COMMITTEE. GONZALEZ GALVEZ ANNOUNCED
THAT JAMAICA WAS NOT PRESSING ITS AMENDMENT. WE ALSO INFORMALLY
TOLD THAT SOVIETS WOULDNOT PRESS THEIR AMENDMENT VIGOROUSLY
IN DRAFTING COMMITTEE AND ON THAT BASIS DID NOT INSIST ON
VOTE..

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PAGE 02 USUN N 04220 260254Z

EM AMDNEMTNS ON JURISDICTION WERE BROUGHT TO VOTE.

RESULT WAS ADOPTION OF JAPANESE/DUTCH AMENDMENT BY VOTE
OF 50(US)-15(EES)-18. TEXT OF AMENDMENT (A/C.6/L.912/REV.1)
TRANSMITTED PARA
5 BELOW. THIS ALSO TRANSMITTED TO DRAFTING
COMMITTEE. AFTER MEETING SOVIET REP TOLD DELOFF THAT WHILE
USSR HAD TO VOTE AGAINST THEY COULD LIVE WITH THIS AMENDMENT
ONCE ADOPTED.

4. NEXT MEETING OF LEGAL COMMITTEE OCT 29 SCHEDULED TO
COMPLETE REMAINING ASPECTS OF CONVENTION LEFT OPEN ON
FIRST READING. LEGAL COMMITTEE WILL THEN BEGIN NEXT TWO
ITEMS ON ITS AGENDA (CONFERENCE ON IO-STATE RELATIONS AND
UNCITRAL), PRESUMABLY RETURNING TO DIPLOMATS ITEM WHEN
DRAFTING COMMITTEE READY TO REPORT OUT TEXT.

5. FOLLOWING IS TEXT OF AMENDMENT ON JURISDICTION:

"ARTICLE 2

JAPAN AND NETHERLANDS: REVISED AMENDMENTS TO ARTICLE 2

1. FINAL PART OF PARAGRAPH 1

DELETE THE WORDS "WHETHER THE COMMISSION OF THE CRIME
OCCURS WITHIN OR OUTSIDE OF ITS TERRITORY".

2. PARAGRAPH 3

DELETE PARAGRAPH 3 AND INSERT A NEW ARTICLE 2A AS FOLLOWS:

"ARTICLE 2A

1. EACH STATE PARTY SHALL TAKE SUCH MEASURES AS MAY BE
NECESSARY TO ESTABLISH ITS JURISDICTION OVER THE CRIMES
MENTIONED IN PARAGRAPH 1 OF ARTICLE 2 IN THE FOLLOWING
CASES:

(A) WHEN THE CRIME IS COMMITTED IN THE TERRITORY OF THAT
STATE OR ON BOARD A SHIP OR AIRCRAFT REGISTERED IN THAT
STATE;

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PAGE 03 USUN N 04220 260254Z

(B) WHEN THE ALLEGED OFFENDER IS A NATIONAL OF THAT STATE;
(C) WHEN THE CRIME IS COMMITTED AGAINST AN INTERNATIONALLY
PROTECTED PERSON WHO ENJOYS HIS STATUS AS SUCH BECAUSE OF
DIPLOMATIC OR OTHER FUNCTIONS EXERCISED ON BEHAOF OF THAT
STATE.

2. EACH STATE PARTY SHALL LIKEWISE TAKE SUCH MEASURES
AS MAY BE NECESSARY TO ESTABLISH ITS JURISDICTION OVER

THESE CRIMES IN THE CASE WHERE THE ALLEGED OFFENDER IS
PRESENT IN ITS TERRITORY AND IT DOES NOT EXTRADITE HIM
PURSUANT TO ARTICLE 7 TO ANY OF THE STATES MENTIONED IN
PARAGRAPH 1 OF THIS ARTICLE.

3. THE PRESENT CONVENTION DOES NOT EXCLUDE ANY CRIMINAL
JURISDICTION EXERCISED IN ACCORDANCE WITH NATIONAL LAW."
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